

WED

U.S. DISTRICT COURT
EASTERN DISTRICT-WI
FILED

SECOND AMENDED COMPLAINT

2020 MAY -8 P 12: 48

(for filers who are prisoners without lawyers) CLERK OF COURT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

(Full name of plaintiff(s))

WYNETTE CATRICE McCLELLAND

v.

Case Number:

(Full name of defendant(s))

20-cv-366

John Doe Milwaukee County Sheriff,
Captain Gerald John Doe, Captain Duxert John Doe,

(to be supplied by Clerk of Court)

Lt. Briggs John Doe, Lt. Hannah John Doe, Mrs. Armstrong, Milwaukee County Jailor, John Doe,

Ms. Guyton, Milwaukee County Jailor, John Doe; Ms. Blue, Milwaukee County Jailor, John Doe,
Ms. Mitchell, Milwaukee County Jailor, John Doe, Ms. Bray, Milwaukee County Jailor, John Doe,
Ms. Adams, Milwaukee County Jailor, John Doe,

A. PARTIES

1. Plaintiff is a citizen of Wisconsin and is located at
(State)

Taycheedah Correctional Institution
(Address of prison or jail)

(If more than one plaintiff is filing, use another piece of paper.)

2. Defendant John Doe Milwaukee Co. Sheriff, et al.,
(Name)

is (if a person or private corporation) a citizen of Wisconsin

and (if a person) resides at Not Known (State, if known)
(Address, if known)
and (if the defendant harmed you while doing the defendant's job)
worked for Milwaukee County Jail
(Employer's name and address, if known)

(If you need to list more defendants, use another piece of paper.)

B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

On March 5, 2016 I was placed in the
special needs unit in the Milwaukee Co. Jail. I
Came into contact with ms. Adams, ms. Blue, ms.
Armstrong, ms. Bray, and ms. Guyton. I asked
all of these officers Can I have a bible
and they told me NO. All of these officers
worked on this unit on a day to day basis.
I asked these officers Can I get a eating
utensil to eat my food and they told me NO
to ~~take~~ take a piece of the styrofoam tray
and use that to eat with. I asked all of

these officers why I can't order canteen and they all stated the same thing that I can't get canteen while living on this unit. I asked all of these officers can I get moved off of this unit and they stated that there was no other place to put me in the jail. I asked these officers if I could get some cleaning supplies to clean my cell and they told me I wasn't allowed anything to clean my cell. I also asked for paper and a pencil to write a letter and was told that I can't have any of that while housed on this unit. All of these questions was asked by me on a daily basis and I was always told NO. I asked to speak with a Lt. or Captain and was told when they come around they'll let them know that I wanted to speak to them. All of these things went on from 3-5-2016 thru mid August 2016. In mid August I got a civil lawyer from the legal aid society and he got me moved to another Pod which was ^(4A) the discipline Pod for inmates that was max custody

Or who was on disciplinary action for not following the rules. On this pad I was still locked in for 23hrs a day. I came in to contact with Ms. Blue, Ms. Bray, Ms. Armstrong, Ms. Guyton, Ms. Mitchell, Ms. Adams they all still treated me the same way they did when I was in the special needs unit. On or about September or October I had spoken with Lt. Hannah, Lt. Briggs, Captain Gold and Captain ~~Winkler~~ Duckert and I asked ~~them~~ all of them if I could be ~~removed~~ taken off of protective custody and they stated NO. I asked the can I have a bible to read they said NO. I asked them can I speak with the ladies that come in the jail to do bible studies and they said NO because im on "PC" (protective custody). I asked them when will I be able to order canteen or write a letter, and they said they dont know. I asked can I at least get an eating utensil with my styrofoam tray and they said I can't have one and to use what i've been using. All of these defendants stated they treated me like this because I was on protective custody. I was treated this way until I left the Milwaukee Co. Jail and went to

I the Plaintiff, Wynette C. McClelland, is and was at all times mentioned herein a prisoner of the State of Wisconsin, in the custody of the Milwaukee County Jail, sheriff from March 4, 2016 thru March 10, 2017.

Defendants:

1. Defendant, John Doe is in charge of the Milwaukee County Jail and is legally responsible for the overall operation of locking up pre-trial detainees under his jurisdiction which is the cause of this action; and making sure the detainees are fed properly, allowing them to order canteen, and making sure they are not being punished unlawful by the acts and conducts of his employees;
2. Defendant, Captain Gold "John Doe" is the captain of the sheriffs who, at all times mentioned in this complaint, held the stated rank over the defendants listed in this cause of action and was assigned to making sure pre-trial detainees is given and are allowed to exercise their religious practices, have recreation, receiving visits from family members, lawyers, religious leaders and congregation members, and making sure the pre-trial detainees are safe and secured from being disciplined unlawfully, and allowing them to obtain canteen items for hygiene;
3. Defendant, Captain Dukert, "John Doe" has the same job functions as defendant Gold "John Doe" and the welfare of all the pretrial detainees at the Milwaukee County Jail.
4. Defendant, Lt. Briggs "John Doe" is legally responsible for investigating ill treatment of pre-trial detainees and locking or confining pretrial detainees within safe and secured holding cells. Thus, for making sure at all times mentioned in this complaint the listed defendants does not mistreat any pretrial- detainees which is the cause of this action;
5. Defendant, Lt. Hannah "John Doe" is legally responsible for the welfare of the pre-trial detainees like given to defendant Lt. Briggs "John Doe" and as directed by his supervisor at all times mentioned in this complaint, which is the cause of this action.
6. Defendant Armstrong "John Doe" is a Milwaukee sheriff. She is legally responsible for making sure pre-trial detainees are kept safe from urinated "piss" and "smeared feces" are not on the walls and floors in the cells and other areas where pre-trial detainees lives; and making sure the pre-trial detainee is not being verbally, physically and emotionally abused by the acts, and conducts omissions, and by other sheriffs, staff members be given showers, legal help from jail house lawyers, as all times mentioned in this complaint, which is the cause of this action;
7. Defendant Guyton "John Doe" has the same legal responsibilities as defendant Armstrong "John Doe" and making sure pre-trial detainees are not being mistreated and are moved from dirty cells, given showers, allowing phone calls and releasing pre-trial detainees to exercise and be permitted to clean their cells as all times mentioned in this complaint without punishing the detainees by her acts, conduct omission which is the cause of this action;
8. Defendant Blue "John Doe" has the same legal responsibility like John Doe Armstrong and John Doe Guyton as described above;
9. Defendant Adams "John Doe" has the same legal responsibility like John Doe Guyton, John Doe Armstrong, John Doe Blue and what her supervisor directs her to at all times mentioned in this complaint which is the cause of this action;

10. Defendant Mitchell has the same responsibility like John Doe Blue, John Doe Armstrong, John Doe Guyton, and John Doe Adams; and whatever her supervisor have her to do at all times mentioned in this complaint which is the cause of this action;

11. Defendant Bray "John Doe" has the same sheriff's legal duties like Defendant Armstrong, Guyton, Blue, Adams, and Mitchell and operation and welfare of each pre-trial detainees at all times mentioned in this cause of action.

12. Each defendant is sued individually and in his or her official capacity. At all times mentioned in this amended complaint each defendant acted under the Color of State Law; thus, were intentionally to safe guard the plaintiff's mental state of mind and making sure she received religious and family visits as well as legal visits; and making sure any of the defendants acted maliciously, recklessly, disregarding the plaintiff's United States Constitutional Rights to be safe and secured, practice her religious rights, be given recreation twice per week, be taken off protective custody at plaintiff's request, illegally harming her with an irreparable injury sustained mentally, placing plaintiff on disciplinary status without violating any jail rules or practices, restricting plaintiff of all the rights pre-trial detainees has walking into the jail to stay until trial; The restricts all times mentioned in this complaint intentional excessive disregarding the rights of the plaintiff. While under the Color of State Law. D.S. v E. Porter Cty. Sch. Corp. 799 F3d 793,798 (7th Cir. 2015) citing Buchanan Moore v. Soil, 570 F3d,824,827 (7th Cir. 2009); 42 U.S. sec. 1983, in relevant: " Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any state or territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights; privileges, or immunities secured by the Constitution and laws, shall be available to the party injured in an action of law, suit in equity, or other proper proceeding for redress."

On March 5, 2016, Judge M. Joseph Donald and ADA Hayes ordered me to be placed on Protective Custody status. He did not authorize any of the defendants to violate any of my constitutional rights as mentioned in this cause of action. I did not have a mental health problem.

On March 5, 2016 John Doe head of the Milwaukee county jail had me placed in a protective custody cell at the Milwaukee county jail. He intentionally knew that the defendants Lt. Briggs, Lt. Hannah, Captain Gold, and Captain Duckert were violating my constitutional rights all the things that happened to me within his county jail as described by plaintiff and nothing to prevent the unlawful excessive treatment that cause me to suffer on all the days spent in a dirty cell smelling urine- piss and feces for 23 hrs. per day. The judge did not order each of the defendants to mistreat me on a daily basis. Plaintiff had complained to John Doe, Lt. Briggs, Lt. Hannah, Defendant Ms. Armstrong, Ms. Guyton, Ms. Blue, Ms. Adams, Ms. Mitchell, and Ms. Bray knew I didn't have any mental issues. I wasn't treated like the rest of the normal detainees waiting to go to trial. They each called me a murderer and all types of filthy names. I began crying felt emotionally injured and verbally by the abused of each of the defendants. I wasn't given my mail except my lawyer's letters sent to me.

During my stay at the Milwaukee County Jail from (3-5-2016 thru 3-10-2017) each defendant acted with indifference, malicious, were reckless with their conduct to deprive me of my constitution rights in which detainees have while waiting for trial.

Defendants Ms. Armstrong, Ms. Bray, Ms. Guyton, Ms. Blue, Ms. Adams, Ms. Mitchell kept me restrained every time I went on a visit to see my family or lawyer.

I asked all the defendants to move me off the unit and they lied saying, they have no place to put me in the jail. I had to suffer smelling feces that were being smeared all over the cell, on the floor, walls. There would be banging on the door and walls all day and all night driving me crazy! I felt like I was losing my mind. I wrote grievance after grievance against how I was being treated and nothing happened as I continued being deprived of my constitutional rights. My food was cold all the time and I had to eat all my food in my cell while being treated differently than those who were similar situated. All the defendants all times mentioned in this cause of action knowingly knew they were violating my constitutional rights.

C. JURISDICTION

☒ I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR

☐ I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$_____.

D. RELIEF WANTED

Describe what you want the Court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or to stop doing something.

I am seeking Compensatory damages in the amount of \$200.00 against each defendant, jointly or severally. I also seeking punitive damages in the amount of \$150,000.00 against each defendant, and my cost of this lawsuit.

E. JURY DEMAND

I want a jury to hear my case.

☒ - YES

☐ - NO

I declare under penalty of perjury that the foregoing is true and correct.

Complaint signed this 4th day of May 2020.

Respectfully Submitted,

Weynall C. McCallister

Signature of Plaintiff

652816

Plaintiff's Prisoner ID Number

PO BOX 3100 T.C.I.

Fondulac, WY 84926

(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper.)

REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FULL FILING FEE



I DO request that I be allowed to file this complaint without paying the filing fee. I have completed a Request to Proceed in District Court without Prepaying the Full Filing Fee form and have attached it to the complaint.



I DO NOT request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.